

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

RIVERKEEPER, INC.  
Plaintiff,

v.

ALL ABOUT RECYCLING, INC; GENTILE CONSTRUCTION CORP.; ALL COUNTY MOBILE CONCRETE, INC.; JOSEPH GENTILE, JR.; and JOHN BERNAL, JR.,

Defendants.

Case No. 7:22-cv-6607

**JOINT MOTION TO STAY TO FINALIZE SETTLEMENT**

Pursuant to Local Civil Rule 7.1(d) of the United District Courts for the Southern and Eastern Districts of New York, Plaintiff Riverkeeper, Inc. (“Riverkeeper”) (by its counsel Super Law Group, LLC), Defendants All About Recycling, Inc., Gentile Construction Corp., and Joseph Gentile, Jr. (by their counsel Gilchrist Tingley, PC), and Defendants All County Mobile Concrete, Inc. and John Bernal, Jr. (by their counsel Mauriello Services Group) hereby submit this Joint Motion to Stay to Finalize Settlement in the above-captioned matter.

Riverkeeper filed its complaint in this action on August 3, 2022. ECF 1. Riverkeeper requested that Defendants waive service on October 17, 2022, thus Defendants’ response was due on December 16, 2022. ECF 14–15. The parties subsequently requested, and the Court granted, two extensions to Defendants’ deadline to answer or otherwise respond to the complaint in the interest of exploring a proposed settlement framework. ECF 16–17, 20–21. In that time, the parties exchanged technical information, conducted a site visit of the facility at issue, and negotiated terms and conditions necessary to satisfy the proposed settlement framework. The deadline to respond to the complaint is currently March 3, 2023.

The parties are pleased to report that they have reached a settlement in principle to resolve this matter. The parties are now working to finalize certain terms and conditions and memorialize these agreements in the form of a consent decree. To avoid incurring unnecessary litigation costs, the parties jointly seek to stay all deadlines, including Defendants' deadlines to respond to the complaint, until April 28, 2020. This is the first request for a stay, and the third request for an extension of time in this matter.

If a settlement has not been finalized by April 28, 2020, the parties will reengage the Court with a joint status report, or Defendant will file its answer before expiration of the stay period. If a settlement agreement is finalized on or before April 28, 2020, the parties will notify the Court and Riverkeeper will submit a proposed consent decree to the United States Department of Justice and the Environmental Protection Agency for the 45-day review mandated by the Clean Water Act and its regulations. 33 U.S.C. § 1365(c)(3); 40 C.F.R. § 135.5(b).



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Application granted in part. Defendant's time to answer or move with respect to the Complaint in accordance with the Court's Individual Practices is extended to April 28, 2023. The parties shall also file a joint status report with respect to settlement by that date.

The Clerk of Court is respectfully requested to terminate the motion sequence pending at Doc. 22.

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
March 2, 2023